

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

FOREST LAKE FACILITIES, LLC, and
FOREST LAKE, MN, LIMITED
PARTNERSHIP,

Civil Action No. 0:17-cv-01766-DWF-TNL

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Defendant Wells Fargo Bank, N.A., as trustee for the registered holders of J.P. Morgan Chase Commercial Mortgage Securities Trust 2006-CIBC16, Commercial Mortgage Pass-Through Certificates, Series 2006-CIBC16 (erroneously named in this action as "Wells Fargo Bank, N.A."), by and through its undersigned counsel, hereby moves the Court to dismiss Plaintiffs Forest Lake Facilities, LLC and Forest Lake, MN Limited Partnership's Complaint [Doc. No. 1-1] pursuant to Fed. R. Civ. P. 12(b)(6). This Motion is based upon this case's record and the Memorandum of Law and accompanying papers filed herewith in accordance with D. Minn. L.R. 7.1(b) and other applicable law.

Respectfully submitted this 16th day of June, 2017.

KUTAK ROCK LLP

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BANK, N.A., AS TRUSTEE FOR THE REGISTERED
HOLDERS OF J.P. MORGAN CHASE
COMMERCIAL MORTGAGE SECURITIES TRUST
2006-CIBC16, COMMERCIAL MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-CIBC16**